UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/RES/46/136
9 March 1992

Forty-sixth session
Agenda item 98

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/46/721 and Corr.1)]

46/136. Situation of human rights in Afghanistan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights 2/ and accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949 3/ and the Additional Protocols thereto, of 1977, 4/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

4/ Ibid., vol. 1125, Nos. 17512 and 17513.

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Recalling also its resolution 45/174 of 18 December 1990 and all its other relevant resolutions, as well as the resolutions of the Commission on Human Rights and decisions of the Economic and Social Council,

Taking note in particular of Commission on Human Rights resolution 1991/78 of 6 March 1991, 5/ in which the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year, and of Economic and Social Council decision 1991/259 of 31 May 1991, in which the Council confirmed the extension and requested the Special Rapporteur to report to the General Assembly at its forty-sixth session on the situation of human rights in Afghanistan,

Emphasizing the relevance and validity for all parties concerned of the Agreements on the Settlement of the Situation Relating to Afghanistan, concluded at Geneva on 14 April 1988, 6/ which constitute an important step towards a comprehensive political solution,

Underlining the importance of the statement by the Secretary-General of 21 May 1991, 7/ in which he provided a five-point peace plan to serve as the basis for a comprehensive political settlement in Afghanistan, acceptable to the majority of the Afghan people,

Noting with satisfaction the joint statement of the United States of America and the Union of Soviet Socialist Republics of 13 September 1991 8/ on the simultaneous cut-off of weapons deliveries to the Afghan parties by 1 January 1992, and expressing the hope that such agreement will be implemented on a broader basis,

Noting with deep concern that a situation of armed conflict persists in Afghanistan, that acts of terrorism are perpetrated on a wide scale against the civilian population, that the treatment of prisoners detained in connection with the conflict usually does not conform to the humanitarian rules set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977,

Deeply concerned that more than five million refugees are still living outside Afghanistan, that many Afghans are displaced within the country and that despite a slight improvement of the conditions for the return of refugees, no massive return has been reported,

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5/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

6/ S/19835, annex I.

7/ A/46/606, annex I.

8/ See A/46/595-S/23163; see Official Records of the Security Council, Forty-sixth Year, Supplement for October, November and December 1991, document A/23163.

Aware that the reasons given by the refugees for not returning to Afghanistan pending the achievement of a comprehensive political solution and the establishment of a broad-based government include the continued fighting in some provinces, the use of very destructive arms in the conflict, the minefields that have been laid in many parts of the country, the lack of an effective authority in many areas, the destruction of the economy and other obstacles that would be encountered by refugees in returning to the country,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the interim report of the Special Rapporteur on the situation of human rights in Afghanistan 9/ and of the conclusions and recommendations contained therein,

1. Welcomes the cooperation of the Afghan authorities with the Special Rapporteur on the situation of human rights in Afghanistan;

2. Welcomes the cooperation that the Afghan authorities have extended, in particular to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Welcomes the fact that the Special Rapporteur was able to visit areas in Afghanistan not under government control;

4. Welcomes the steps taken by the Afghan authorities to reform the judicial system in order to conform it to international standards, and encourages them to continue with this process;

5. Urges all parties concerned to increase their efforts in order to achieve a comprehensive political solution based on the five points of the Secretary-General's plan 7/ on the free exercise of the right to self-determination by the people of Afghanistan through democratic procedures acceptable to them, including free and fair elections, the cessation of hostilities and the creation of conditions that will permit the free return of refugees to their homeland in safety and honour, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

6. Also urges all parties to the conflict to respect accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977, to halt the use of weapons against the civilian population, to protect all prisoners from acts of reprisals and violence, including ill-treatment, torture and summary executions, to transmit to the International Committee of the Red Cross the names of all prisoners, to expedite the exchange of prisoners wherever they may be held and to grant to the Committee unrestricted access to all parts of the country and the right to visit all prisoners in accordance with its established criteria;

9/ A/46/606.

7. Calls upon all States and parties concerned to render all possible assistance in order to resolve the issue of all prisoners of war detained as a result of the conflict, including those from the forces loyal to the Afghan authorities and opposition groups as an important humanitarian question;

8. Also calls upon all States and parties concerned to render all possible assistance in order to resolve the issue of the Soviet prisoners of war as an important humanitarian question;

9. Calls upon the Afghan authorities to investigate thoroughly the fate of those persons who have disappeared, to apply amnesty decrees equally to foreign detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, 10/ adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all convicted persons article 14, paragraphs 3 (d) and 5, of the International Covenant on Civil and Political Rights; 2/

10. Takes note with interest of the reply of the Soviet authorities concerning the fate of those Afghan children who are in the Union of Soviet Socialist Republics; 11/

11. Notes improvements in the treatment of prisoners and urges all the parties to the conflict to conform fully to the humanitarian rules set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977;

12. Notes with concern the allegations of atrocities that are still committed against Afghan soldiers, civil servants and captured civilians;

13. Requests the Afghan authorities to take the proper steps in order to permit activity by the political opponents, and appeals to all conflicting parties to act likewise;

14. Appeals to the Afghan authorities to commute the death sentences imposed on the persons who were allegedly involved in the attempted coup d'état of March 1991;

15. Expresses its concern at reports that the living conditions of refugees, especially those of women and children, are becoming increasingly difficult because of the decline in international humanitarian assistance;

16. Urgently appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully, especially on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity, in conformity with the Agreements on the Settlement of the Situation Relating to Afghanistan;

10/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

11/ See A/46/606, para.75.

17. Urgently appeals to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

18. Urges all parties concerned to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees;

19. Also urges all parties concerned to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

20. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

21. Decides to keep under consideration, during its forty-seventh session, the situation of human rights in Afghanistan in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

75th plenary meeting
17 December 1991